(a)(1) of this section and a formal commitment from the Governor to the adoption and implementation of an I/M program meeting all requirements of this subpart.

(2) A SIP revision, including all necessary legal authority and the items specified in (a)(1) through (a)(8) of this section, shall be submitted no later than November 15, 1993.

(3) States shall revise SIPS as EPA develops further regulations. Revisions to incorporate on-board diagnostic checks in the I/M program shall be submitted by August 6, 1998.

(c) *Redesignation requests.* Any nonattainment area that EPA determines would otherwise qualify for redesignation from nonattainment to attainment shall receive full approval of a State Implementation Plan (SIP) submittal under Sections 182(a)(2)(B) or 182(b)(4) if the submittal contains the following elements:

(1) Legal authority to implement a basic I/M program (or enhanced if the State chooses to opt up) as required by this subpart. The legislative authority for an I/M program shall allow the adoption of implementing regulations without requiring further legislation.

(2) A request to place the I/M plan (if no I/M program is currently in place or if an I/M program has been terminated,) or the I/M upgrade (if the existing I/M program is to continue without being upgraded) into the contingency measures portion of the maintenance plan upon redesignation.

(3) A contingency measure consisting of a commitment by the Governor or the Governor's designee to adopt or consider adopting regulations to implement an I/M program to correct a violation of the ozone or CO standard or other air quality problem, in accordance with the provisions of the maintenance plan.

(4) A contingency commitment that includes an enforceable schedule for adoption and implementation of the I/M program, and appropriate milestones. The schedule shall include the date for submission of a SIP meeting all of the requirements of this subpart. Schedule milestones shall be listed in months from the date EPA notifies the State that it is in violation of the ozone or CO standard or any earlier date specified in the State plan. Unless the State, in accordance with the provisions of the maintenance plan, chooses not to implement I/M, it must submit a SIP revision containing an I/M program no more than 18 months after notification by EPA.

(d) Basic areas continuing operation of I/M programs as part of their maintenance plan without implemented upgrades shall be assumed to be 80% as effective as an implemented, upgraded version of the same I/M program design, unless a State can demonstrate using operating information that the I/M program is more effective than the 80% level.

(e) *SIP submittals to correct violations.* SIP submissions required pursuant to a violation of the ambient ozone or CO standard (as discussed in paragraph (c) of this section) shall address all of the requirements of this subpart. The SIP shall demonstrate that performance standards in either § 51.351 or § 51.352 shall be met using an evaluation date (rounded to the nearest January for carbon monoxide and July for hydrocarbons) seven years after the date EPA notifies the State that it is in violation of the ozone or CO standard or any earlier date specified in the State plan. Emission standards for vehicles subject to an IM240 test may be phased in during the program but full standards must be in effect for at least one complete test cycle before the end of the 5-year period. All other requirements shall take effect within 24 months of the date EPA notifies the State that it is in violation of the ozone or CO standard or any earlier date specified in the State plan. The phase-in allowances of § 51.373(c) of this subpart shall not apply.

[57 FR 52987, Nov. 5, 1992, as amended at 60 FR 1738, Jan. 5, 1995; 60 FR 48036, Sept. 18, 1995; 61 FR 40946, Aug. 6, 1996; 61 FR 44119, Aug. 27, 1996]

§ 51.373 Implementation deadlines.

I/M programs shall be implemented as expeditiously as practicable.

(a) Decentralized basic programs shall be fully implemented by January 1, 1994, and centralized basic programs shall be fully implemented by July 1, 1994. More implementation time may

be approved by the Administrator if an enhanced I/M program is implemented.

(b) For areas newly required to implement basic I/M after promulgation of this subpart (as a result of failure to attain, reclassification, or redesignation) decentralized programs shall be fully implemented within one year of obtaining legal authority. Centralized programs shall be fully implemented within two years of obtaining legal authority. More implementation time may be approved by the Administrator if an enhanced I/M program is implemented.

(c) All requirements related to enhanced I/M programs shall be implemented by January 1, 1995, with the following exceptions.

(1) Areas switching from an existing test-and-repair network to a test-only network may phase in the change between January of 1995 and January of 1996. Starting in January of 1995 at least 30% of the subject vehicles shall participate in the test-only system (in States with multiple I/M areas, implementation is not required in every area by January 1995 as long as statewide, 30% of the subject vehicles are involved in testing) and shall be subject to the new test procedures (including the evaporative system checks, visual inspections, and tailpipe emission tests). By January 1, 1996, all applicable vehicle model years and types shall be included in the test-only system. During the phase-in period, all requirements of this subpart shall be applied to the test-only portion of the program; existing requirements may continue to apply for the test-and-repair portion of the program until it is phased out by January 1, 1996.

(2) Areas starting new test-only programs and those with existing test-only programs may also phase in the new test procedures between January 1, 1995 and January 1, 1996. Other program requirements shall be fully implemented by January 1, 1995.

(d) In the case of areas newly required to implement enhanced I/M after promulgation of this subpart (as a result of failure to attain, reclassification, or nonattainment designation) enhanced I/M shall be implemented within 24 months of obtaining legal authority.

(e) Legal authority for the implementing agency or agencies to implement and enforce an I/M program consistent with this subpart shall be obtained from the State legislature or local governing body in the first legislative session after November 5, 1992, or after being newly required to implement or upgrade an I/M program as in paragraph (b) or (c) of this section, including sessions already in progress if at least 21 days remain before the final bill submittal deadline.

(f) Areas that choose to implement an enhanced I/M program only meeting the requirements of §51.351(h) shall fully implement the program no later than July 1, 1999. The availability and use of this late start date does not relieve the area of the obligation to meet the requirements of §51.351(h)(11) by the end of 1999.

(g) On-Board Diagnostic checks shall be implemented in all basic, low enhanced and high enhanced areas as part of the I/M program by January 1, 2002. Alternatively, states may elect to phase-in OBD–I/M testing for one test cycle by using the OBD–I/M check to screen clean vehicles from tailpipe testing and require repair and retest for only those vehicles which proceed to fail the tailpipe test. An additional alternative is also available to states with regard to the deadline for mandatory testing, repair, and retesting of vehicles based upon the OBD–I/M check. Under this third option, if a state can show good cause (and the Administrator takes notice-and-comment action to approve this good cause showing), up to an additional 12 months' extension may be granted, establishing an alternative startdate for such states of no later than January 1, 2003. States choosing to make this showing will also have available to them the phase-in approach described in this section, with the one-cycle time limit to begin coincident with the alternative start date established by Administrator approval of the showing, but no later than January 1, 2003. The showing of good cause (and its approval

or disapproval) will be addressed on a case-by-case basis.

[57 FR 52987, Nov. 5, 1992, as amended at 58 FR 59367, Nov. 9, 1993; 61 FR 39037, July 25, 1996; 61 FR 40946, Aug. 6, 1996; 63 FR 24433, May 4, 1998; 66 FR 18178, Apr. 5, 2001]

APPENDIX A TO SUBPART S—CALIBRATIONS, ADJUSTMENTS AND QUALITY CONTROL

(I) Steady-State Test Equipment

States may opt to use transient emission test equipment for steady-state tests and follow the quality control requirements in paragraph (II) of this appendix instead of the following requirements.

(a) Equipment shall be calibrated in accordance with the manufacturers' instructions.

(b) *Prior to each test.* (1) *Hydrocarbon hang-up check.* Immediately prior to each test the analyzer shall automatically perform a hydrocarbon hang-up check. If the HC reading, when the probe is sampling ambient air, exceeds 20 ppm, the system shall be purged with clean air or zero gas. The analyzer shall be inhibited from continuing the test until HC levels drop below 20 ppm.

(2) *Automatic zero and span.* The analyzer shall conduct an automatic zero and span check prior to each test. The span check shall include the HC, CO, and CO2 channels, and the NO and O_2 channels, if present. If zero and/or span drift cause the signal levels to move beyond the adjustment range of the analyzer, it shall lock out from testing.

(3) *Low flow.* The system shall lock out from testing if sample flow is below the acceptable level as defined in paragraph (I)(b)(6) of appendix D to this subpart.

(c) *Leak check.* A system leak check shall be performed within twenty-four hours before the test in low volume stations (those performing less than the 4,000 inspections per year) and within four hours in high-volume stations (4,000 or more inspections per year) and may be performed in conjunction with the gas calibration described in paragraph (I)(d)(1) of this appendix. If a leak check is not performed within the preceding twenty-four hours in low volume stations and within four hours in high-volume stations or if the analyzer fails the leak check, the analyzer shall lock out from testing. The leak check shall be a procedure demonstrated to effectively check the sample hose and probe for leaks and shall be performed in accordance with good engineering practices. An error of more than ±2% of the reading using low range span gas shall cause the analyzer to lock out from testing and shall require repair of leaks.

(d) *Gas calibration.* (1) On each operating day in high-volume stations, analyzers shall automatically require and successfully pass a two-point gas calibration for HC, CO, and CO2 and shall continually compensate for changes in barometric pressure. Calibration shall be checked within four hours before the test and the analyzer adjusted if the reading is more than 2% different from the span gas value. In low-volume stations, analyzers shall undergo a two-point calibration within seventy-two hours before each test, unless changes in barometric pressure are compensated for automatically and statistical process control demonstrates equal or better quality control using different frequencies. Gas calibration shall be accomplished by introducing span gas that meets the requirements of paragraph (I)(d)(3) of this appendix into the analyzer through the calibration port. If the analyzer reads the span gas within the allowable tolerance range (i.e., the square root of sum of the squares of the span gas tolerance described in paragraph (I)(d)(3) of this appendix and the calibration tolerance, which shall be equal to 2%), no adjustment of the analyzer is necessary. The gas calibration procedure shall correct readings that exceed the allowable tolerance range to the center of the allowable tolerance range. The pressure in the sample cell shall be the same with the calibration gas flowing during calibration as with the sample gas flowing during sampling. If the system is not calibrated, or the system fails the calibration check, the analyzer shall lock out from testing.

(2) *Span points.* A two point gas calibration procedure shall be followed. The span shall be accomplished at one of the following pairs of span points:

(A) 300—ppm propane (HC)
1.0—% carbon monoxide (CO)
6.0—% carbon dioxide (CO2)
1000—ppm nitric oxide (if equipped with NO)
1200—ppm propane (HC)
4.0—% carbon monoxide (CO)
12.0—% carbon dioxide (CO2)
3000—ppm nitric oxide (if equipped with NO)
(B) —ppm propane
0.0—% carbon monoxide
0.0—% carbon dioxide
0—ppm nitric oxide (if equipped with NO)
600—ppm propane (HC)
1.6—% carbon monoxide (CO)
11.0—% carbon dioxide (CO2)
1200—ppm nitric oxide (if equipped with NO)

(3) *Span gases.* The span gases used for the gas calibration shall be traceable to National Institute of Standards and Technology (NIST) standards ±2%, and shall be within two percent of the span points specified in paragraph (d)(2) of this appendix. Zero gases shall conform to the specifications given in §86.114–79(a)(5) of this chapter.

(e) *Dynamometer checks*—(1) *Monthly check.* Within one month preceding each loaded test, the accuracy of the roll speed indicator